

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

RILEY GAINES, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:24-cv-01109-MHC
)	
NATIONAL COLLEGIATE)	
ATHLETIC ASSOCIATION, <i>et al.</i>)	
)	
Defendants.)	

DECLARATION OF KIMBERLY LAYTON

I, Kimberly Layton, declare as follows:

1. I am a resident of the United States, an adult over the age of eighteen, and am competent to testify and have personal knowledge of the facts stated in this declaration.

2. I am a paralegal employed by the law firm Kroger Gardis & Regas, LLP in Indianapolis, Indiana.

3. Attached to this declaration as **Exhibit 1** is a true and correct copy of a press release issued by the National Collegiate Athletic Association (NCAA) on February 6, 2025, titled *NCAA announces transgender student-athlete participation policy change* and taken from the NCAA's website at <https://www.ncaa.org/news/2025/2/6/media-center-ncaa-announces-transgender->

[student-athlete-participation-policy-change.aspx?print=true](https://www.ncaa.org/sports/2022/1/27/transgender-participation-policy.aspx?print=true) (last accessed July 28, 2025);

4. Attached to this declaration as **Exhibit 2** is a true and correct copy of the NCAA's Current *Participation Policy for Transgender Student-Athletes*, taken from the NCAA's website at <https://www.ncaa.org/sports/2022/1/27/transgender-participation-policy.aspx?print=true> (last accessed July 28, 2025).

5. Attached to this declaration as **Exhibit 3** is a true and correct copy of the *NCAA Drug-Testing Manual*, 2024–2025, taken from the NCAA's website at https://ncaaorg.s3.amazonaws.com/ssi/substance/SSI_DrugTestingManual.pdf (last accessed July 28, 2025).

6. Attached to this declaration as **Exhibit 4** is a true and correct copy of a document titled *Movement Advancement Project, Identity Document Laws and Policies: Gender Markers on Birth Certificates*, taken from the following url: <https://www.lgbtmap.org/img/maps/citations-id-birth-certificate.pdf> (last accessed July 28, 2025).

7. Attached to this declaration as **Exhibit 5** is a true and correct copy of a press release issued by the National Collegiate Athletic Association (NCAA) on July 14, 2025, titled *New NCAA historical database provides wealth of information on championships* taken from the NCAA's website at <https://www.ncaa.org/news/2025/7/14/media-center-new-ncaa-historical-database->

[provides-wealth-of-information-on-championships.aspx](#) (last accessed July 28, 2025). The database of statistics related to NCAA championships is available at <https://www.ncaa.org/sports/2021/2/9/statistics.aspx#stats-dash> (last accessed July 28, 2025).

8. Attached to this declaration as **Exhibit 6** is a true and correct copy of the *Division I Swimming & Diving Championships Records Book* taken from the NCAA's website at https://s3.amazonaws.com/fs.ncaa.org/Docs/stats/swimming_champs_records/D1Women.pdf (last accessed July 28, 2025).

9. Attached to this declaration as **Exhibit 7** is a true and correct copy of a screenshot from the NCAA's recently launched database of championship records identifying Lia Thomas's 2022 championship in the women's 500-meter freestyle, taken from the NCAA's website at <https://www.ncaa.org/sports/2021/2/9/statistics.aspx#stats-dash> (last accessed July 28, 2025) and selecting "Individual Championships by Sport, Division I, Women's, Swimming and Diving, 500-Yard Freestyle" from the menu of options that appears halfway down the web page.

10. I went to the NCAA's website page for LGBTQ individuals and reviewed the policies that were posted in the "Transgender/Nonbinary Resources" section of that webpage. A true and accurate copy of a printed version of this web

page is attached to this declaration as **Exhibit 8**,

<https://www.ncaa.org/sports/2016/3/2/lesbian-gay-bisexual-transgender-and-questioning-lgbtq.aspx?print=true> (last accessed July 28, 2025). The NCAA's Transgender Participation Policies in effect from 2010 to February 5, 2025 were not posted in this section. The only policies that were posted on this website were the following:

- a. Participation Policy for Transgender Student-Athletes
<https://www.ncaa.org/sports/2022/1/27/transgender-participation-policy.aspx?print=true> (last accessed July 28, 2025);
- b. Gender Identity and Student-Athlete Participation Summit Final Report
https://s3.amazonaws.com/ncaaorg/about/ncaa/Report_from_Transgender_Student-Athlete_Participation_Summit.pdf (last accessed July 28, 2025);
- c. *NCAA Inclusion of Transgender Student-Athletes Best Practices*, August 2011,
https://ncaaorg.s3.amazonaws.com/inclusion/lgbtq/INC_TransgenderHandbook.pdf (last accessed July 28, 2025);

true and accurate copies of which are attached to this declaration as **Exhibit 1**, **Exhibit 9**, and **Exhibit 10**, respectively.

11. Attached to this declaration as **Exhibit 11** is a true and correct copy of a document that purports to be the *Resolution of Agreement* between the University of Pennsylvania and the U.S. Department of Education's Office of Civil (OCR) Rights, dated June 30, 2025, taken from the OCR's website at <https://ocrcas.ed.gov/sites/default/files/ocr-letters-and-agreements/03256901-b.pdf> (last accessed July 28, 2025).

12. Attached to this declaration as **Exhibit 12** is a true and correct copy of an online article titled *World Boxing to introduce mandatory sex testing for all boxers that want to participate in competitions*, dated May 30, 2025, taken from the website <https://worldboxing.org/world-boxing-to-introduce-mandatory-sex-testing-for-all-boxers/> (last accessed July 28, 2025).

13. Attached to this declaration as **Exhibit 13** is a true and correct copy of an online article titled *World Athletics approves gender eligibility test* <https://www.bbc.com/sport/athletics/articles/cwygdvpl88ko> (last accessed July 28, 2025).

14. Attached to this declaration as **Exhibit 14** is a true and correct copy of the Complaint filed by Saddle Schreiner in the Superior Court of New Jersey under

Cause No. MER-L-001482-25 that I retrieved from the New Jersey state document filing system.

15. Attached to this declaration as **Exhibit 15** is a true and correct copy of the NCAA's February 6, 2025, *Participation Policy for Transgender Student-Athletes*, taken from the NCAA's website on March 24, 2025. A copy of this version of the NCAA's Transgender Participation Policy appears on the docket of *Slusser, et al. v. Mountain West Conference, et al.*, No. 1:24-cv-03155-SKC, at docket entry 78-4, which I filed at the direction of William Bock and Justin Olson from Kroger Gardis & Regas, LLP.


16. Attached to this declaration as **Exhibit 16** is a true and accurate copy of the Report of the NCAA Board of Governors from its May 8, 2024, Videoconference taken from the NCAA's website at https://ncaaorg.s3.amazonaws.com/committees/ncaa/exec_boardgov/May2024BOG_May8Report.pdf (last accessed July 28, 2025).

17. Attached to this declaration as **Exhibit 17** is a true and accurate copy of a letter from the President of the University of Pennsylvania, J. Larry Jameson, dated July 1, 2025, entitled Penn's Title IX Resolution with the U.S. Department of Education Office for Civil Rights taken from the Penn Today webpage on the website for the University of Pennsylvania at

<https://penntoday.upenn.edu/announcements/penns-title-ix-resolution-us-department-education-office-civil-rights> (last accessed July 28, 2025).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 28, 2025.



Kimberly Layton